

REMARKS

Status of Claims:

Claims 1-48 were originally filed with the patent application. Claims 16-30 were canceled and Claims 49-63 were added in a Second Preliminary Amendment dated March 7, 2007. Claims 7-11, 14, 15, 32-37, 46, 48, 55-59, 62, and 63 were withdrawn pursuant to a Species Restriction dated September 18, 2007. Claims 43 and 47 were canceled by an Amendment and Response filed on April 24, 2008. Claims 32-37 and 52 were canceled and Claims 64-67 are being added by an Amendment and Response filed on February 5, 2009. Therefore, Claims 1-6, 12, 13, 31, 38-42, 44, 45, 49-51, 53-54, 60, 61, and 64-67 will be pending upon entry of this Amendment and Response.

Office Action References:

Applicant expressly reserves the right to respond to any rejection in the outstanding Office Action by filing an appropriate affidavit under 37 C.F.R. §1.131 in any subsequent Response, where appropriate. Therefore, any addressing of the deficiencies of any reference herein is not an admission as to the prior art status of any such reference. Moreover, any failure to address the Examiner's interpretation with regard to any reference is not an admission by Applicant that the Examiner's position is in fact accurate. Finally, Applicant's response should not be construed as an admission as to the appropriateness of the various combinations proposed by the Examiner.

Allowable Subject Matter:

The Examiner has allowed Claims 1-6, 12, 13, 49-51, 53, 54, 60, and 61.

Withdrawn Claims:

Based upon the allowability of Claim 1, Applicant requests that the withdrawn status of Claims 7-11, 14, and 15 (which depend, directly or indirectly, from Claim 1) be removed by the Examiner.

Based upon the acknowledged allowability of Claim 49, Applicant requests that the withdrawn status of Claims 55-59 and 62-63 (which depend, directly or indirectly, from Claim 49) be removed by the Examiner.

Independent Claim 31 is also believed to be allowable, and as such Applicant requests that the withdrawn status of Claims 46 and 48 (which depend, directly or indirectly, from Claim 31) be removed by the Examiner.

All claims that have been withdrawn should be in a form so as to require each and every limitation of the corresponding independent, and thus should be rejoined upon the allowance of the corresponding independent claim. MPEP §821.04.

5 Independent Claim 31:

Claim 31 stands rejected under 35 U.S.C. §103 based upon U.S. Patent No. 7,127,852 (Dressler) in combination with U.S. Patent No. 4,467,582 (Hague). Initially and in accordance with the foregoing, Applicant reserves the right to address Dressler by removing its prior art status in relation to the subject patent application. However, Applicant does not believe that this will be
10 necessary as a collective consideration of Dressler and Hague by one of ordinary skill in the art does not suggest the combination of features required by Claim 31.

The entire combination of features required by Claim 31 will not be repeated. Instead, those particular features that are not disclosed or suggested by the cited references will be addressed herein. However, such features remain a part of a larger combination of features that defines Claim
15 31.

Claim 31 requires first and second clamping members of a type that is not disclosed by Haddock, Hague, or any combination thereof. The first clamping member of Claim 31 includes first, second, and third sections that are disposed in different orientations to each other, while the second clamping member of Claim 31 includes fourth and fifth section that are disposed in different
20 orientations to each other. The first section of the first clamping member includes a mounting flange in the form of a cantilever, and extends from the second section of the first clamping member. The second section of the first clamping member and the fourth section of the second clamping member each extend beyond the first rib (in a direction that is away from a first reference plane that contains first and second base sections between with the first rib is disposed) so as to be positioned above a
25 top wall of the first rib. The third section of the first clamping member and the fifth section of the second clamping member extend from their respective second and fourth sections and engage the first and second sidewalls, respectively, of the first rib. Claim 31 further requires that the second and third sections of the first clamping member be oriented as a mirror image of the fourth and fifth sections of the second clamping member.

Hague is cited by the Examiner only in relation to features of Claim 31 pertaining to the panel assembly, and thereby need not be addressed in relation to the first and second clamping members of Claim 31. The Examiner takes the position that the top horizontal portion in Figure 1 of Dressler is a cantilever. Such is not the case. At best, this portion is a simply supported beam – being supported
5 by the vertical portions on each side of the clamp. A cantilever is supported at only one end.

Claim 31 requires that a first end of the second clamping member engage an underside of the first section (e.g., the cantilevered mounting flange) of the first clamping member, where this underside faces the first reference plane that contains the first and second base sections of the panel assembly. The clamping jaw 20 (that is disposed within the cavity 13 of the U-shaped body 11 in
10 Figure 1 of Dressler) does not engage an underside of the upper, horizontal portion in Figure 1 of Dressler that "faces down" in the view shown in Figure 1 of Dressler.

The U-shaped body 11 and the clamping jaw 20 that is disposed within the cavity 13 of the U-shaped body 11 in Figure 1 of Dressler also do not meet the above-noted limitations of the first and second clamping members of Claim 31. For instance, no portion of the clamping jaw 20
15 (identified by the Examiner as corresponding with the second clamping member of Claim 31) is positioned above a top wall of a rib (see Figure 15 of Dressler, where it is positioned on the side of a seam portion 55). As such, no portion of the clamping jaw 20 that is positioned above a top wall of a rib is orientated as a mirror image of the U-shaped body 11 that is also positioned above a top wall of such a rib – Claim 31 requires the second section of the first clamping member (positioned above the
20 top wall of the rib on which the clamp is mounted) to be oriented as the mirror image of the fourth section of the second clamping member (also positioned above the top wall of the rib on which the clamp is mounted). Claim 31 further requires that the third section of the first clamping member (that engages the first sidewall of the first rib) be oriented as the mirror image of the fifth section of the second clamping member (that engages the second sidewall of the first rib). A "mirror image"
25 limitation also exists in allowed Claim 49.

Based upon the foregoing, Claim 31 is allowable over Dressler and Hague. All claims that depend from Claim 31, either directly or indirectly, are thereby also allowable over Dressler and Hague for the above-noted reasons. There is therefore no need to separately address the patentability of each of these claims and/or the Examiner's interpretation in relation to any of these claims or any
30 of the references of record in relation thereto.

Conclusion:

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such a disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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